

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**JODY FABRIKANT and  
RUSSELL A. SCHINDLER**

vs.

**CASE NUMBER: 1:03-CV-1289 DNH / DRH**

**CHRISTINE FRENCH; WILLIAM  
DERIDDER; HECTOR L. MEJIAS, JR.;  
JOHN SPINATO; CATHERINE PALMER-  
WEMP; WALTER SASSE; CHRISTINA  
KHULY; DAVID STARK; DIANE STARK;  
ULSTER COUNTY SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS; BRADLEY KNEE; AVERY  
SMITH; and LARAIN CALIRI**

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that (1) defendants' motion for summary judgment of the federal claims asserted under Causes of Action Two, Four, Five, Six, Eight, Nine, and Ten is GRANTED and these claims are DISMISSED with prejudice; (2) defendants' motion for summary judgment of the state law claims asserted under Causes of Action One, Three, Seven, Eleven, Twelve, Thirteen, and Fourteen is GRANTED and these claims are DISMISSED without prejudice to allow plaintiffs to re-plead such claims in the appropriate state court;

All of the above pursuant to the Memorandum-Decision and Order of the Honorable Judge David N. Hurd, United States District Judge, dated the 13<sup>th</sup> day of July, 2010.

DATED: July 13, 2010

Lawrence A. Baum  
Clerk of Court

s/

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Christine Mergenthaler  
Deputy Clerk